

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	AMENDED ORDER
)	
vs.)	
)	
Samuel Henry Matthews,)	Case No. 1:21-cr-147
)	
Defendant.)	

Defendant is charged with five counts of domestic assault by a habitual offender, one count of assault resulting in substantial bodily injury to a spouse, intimate partner, or dating partner, and one count of assault resulting in serious bodily injury. (Doc. No. 1). The court ordered defendant detained following a detention hearing on August 11, 2021. (Doc. No. 21). He is presently being housed at the Ward County Detention Center.

On September 16, 2021, defendant filed a Motion to Reconsider Order of Detention. (Doc. No. 27). He advises: (1) he has been accepted at the Circle Tree Ranch, a residential drug abuse treatment program in Tuscon, Arizona; (2) the MHA Nation will arrange for his transport to the Circle Tree Ranch; and (3) an MHA Nation representative will accompany him to the Circle Tree Ranch to ensure that he enters its treatment program.

On September 20, 2021, the court issued an order taking the defendant's motion under advisement pending receipt and review of his travel itinerary. (Doc. No. 31).

On September 24, 2021, defendant filed his travel itinerary with the court. (Doc. No. 33). Finding the itinerary acceptable, the court **GRANTS** defendant's Motion to Reconsider Order of Detention (Doc. No. 27). Defendant shall be released no earlier than 8:30 a.m. Monday, September 27, 2021, to Jared Baker who will transport him to the Bismarck airport and accompany him on his

flight to Arizona. Upon arriving in Arizona, defendant shall immediately report to Circle Tree Ranch's treatment facility. While on release, defendant shall comply with the following conditions:

- (1) Defendant shall not violate federal, state, tribal, or local law while on release.
- (2) Defendant shall appear in court as required and surrender for any sentence imposed.
- (3) Defendant shall refrain from the use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner, and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test.
- (4) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (5) Defendant shall reside at Circle Tree Ranch's treatment facility, fully participate in its programming, and comply with all of its rules and regulations. Upon his arrival, defendant shall contact Pretrial Services Officer Meghan Nelson at (701) 297-7367.
- (6) Defendant shall sign all releases of information requested by the Pretrial Services Officer so that his progress and participation in treatment may be monitored.
- (7) Upon his discharge from the treatment program, defendant shall immediately return Bismarck, North Dakota, and report to the United States Marshal's office with the understanding that he shall be detained pending further order of the court.
- (8) At least four days before defendant's discharge, or upon termination from, the

inpatient program, defendant shall provide the court with a travel itinerary back to North Dakota.

Should defendant be unable to travel to Arizona as scheduled on September 27, 2021, he shall return to the Ward County Jail, with the understanding that he shall be remanded back into custody pending further order.

IT IS SO ORDERED.

Dated this 26th day of September, 2021.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court